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12 IN THE UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 OSCAR ORELLANA GUEVARA,

18 Defendant.

CASE NO. 1:21-cr-00051-BLW-BAM

19 STIPULATION AND ORDER TO RESET
20 STATUS CONFERENCE

21 THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United
22 States Attorney, Robert Veneman-Hughes, on behalf of the government, and Michael Berdinella, Esq.,
23 on behalf of defendant Oscar Orellana Guevara (“Guevara”), move to continue the status conference set
24 for February 26, 2025 to July 23, 2025 at 1 PM, and stipulate as follows:

25 1. This case is connected to a larger case, U.S. v. Leiva-Leiva et al, 22-cr-00232. The Leiva-Leiva
26 case has voluminous discovery which is relevant to Guevera’s trial. A notice of related cases has
27 been filed, and the government has previously informed defense and the court that it anticipates
28 this case being joined to the Leiva-Leiva case by way of superseding indictment.
29
30 2. The government anticipates that superseding indictment will be in place by February 20, 2025,
31 and that after defendant Guevara’s arraignment on that indictment this case will be dismissed due
32 to the joinder.

- 1 3. Substantial additional discovery has been provided connected to the Leiva-Leiva case as well as
- 2 the Guevara's case, including the contents of Guevara's cell phone, which were encrypted until
- 3 the government was able to recently access the file.
- 4 4. By this stipulation, the defendant moves to continue the status conference to July 23, 2025, and
- 5 exclude time until that date, in the interests of caution in case the schedule of counsel does not
- 6 permit arraignment on the superseding indictment in Leiva-Leiva before that date. The parties
- 7 anticipate that this case will be dismissed prior to July 23, 2025.
- 8 5. This is the same date as the Leiva-Leiva related case is being requested to set on and it would be
- 9 in the interest of court efficiency for these matters to be set on the same date.
- 10 6. The government does not object to this continuance.
- 11 7. The parties agree and stipulate, and request that the Court find the following:
- 12 i) The government has represented that the discovery associated with this case includes
- 13 investigative reports, and related documents, photographs, etc., in electronic form. All of this
- 14 discovery has been either produced directly to counsel and/or made available for inspection
- 15 and copying.
- 16 ii) Defense counsel requires additional time to review discovery and investigate.
- 17 iii) The government does not object to the continuance.
- 18 iv) Based on the above-stated findings, the ends of justice served by continuing the case as
- 19 requested outweigh the interest of the public and the defendant in a trial within the original
- 20 date prescribed by the Speedy Trial Act.
- 21 v) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
- 22 within which trial must commence, the time period of February 19, 2025, to July 23, 2025,
- 23 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. §
- 24 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's
- 25 request on the basis of the Court's finding that the ends of justice served by taking such

1 action outweigh the best interest of the public and the defendant in a speedy trial.
2

3 8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy
4 Trial Act dictate that additional time periods are excludable from the period within which a trial
must commence.

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6
7 Dated: February 19, 2025

MICHELE BECKWITH
Acting United States Attorney

8
9 /s/ ROBERT L. VENEMAN-HUGHES
10 ROBERT L. VENEMAN-HUGHES
11 JUSTIN J. GILIO
Assistant United States Attorney

12 Dated: February 19, 2025

13 /s/ MICHAEL BERDINELLA
14 MICHAEL BERDINELLA
15 RICHARD TAMOR
Counsel for Defendant
OSCAR ORELLANA
GUEVARA

16
17 **ORDER**

18 The Stipulation to continue the status conference is GRANTED IN PART and DENIED IN
19 PART. IT IS SO ORDERED that the status conference is continued from February 26, 2025 to **March**
20 **31, 2025, at 1:00 p.m. in Courtroom 5 before District Judge B. Lynn Winmill.** Pursuant to the
21 Stipulation, time is excluded from February 26, 2025 to July 23, 2025 pursuant to 18 U.S.C. §
22 3161(h)(7)(A), B(i), B(ii), and B(iv).

23
24
25 IT IS SO ORDERED.

26 Dated: February 20, 2025

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE